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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,690	12/01/2000	Shell S. Simpson	10001726-1	5534

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

CARTER, TIA A

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,690

Applicant(s)

SIMPSON, SHELL S.

Examiner

Tia A Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-8, 10-13 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Shima (US. 6466326).

Regarding claim 1, Shima discloses a method for printing N collated copies of a document on a printer, N being an integer greater than one (figs. 1 & 3, col. 13, lines 51-53), the method comprising:

Determining whether the printer has capacity to print N collated copies of document (fig. 7, col. 18, lines 36-44); and

If the printer has insufficient capacity, then performing the following step N times (fig. 7, col. 18, lines 50-56):

Sending a single copy of the document to the printer (fig. 7, col. 18, lines 56-60).

Regarding claim 2, Shima discloses the method of claim 1 wherein the capacity is a memory capacity (fig. 7, col. 18, lines 22-25).

Regarding claim 5, Shima discloses the method of claim 1 wherein the determining step comprises:

Sending to the printer a print job requesting N collated copies of the document and
Awaiting receipt from the printer of a message regarding a sufficiency of the printer's capacity (fig. 7, col. 18, lines 48-67).

Regarding claim 6, Shima discloses the method of claim 5 wherein the message regarding the sufficiency of the printer's capacity is imitated by a printer (fig. 7, col. 18, lines 51-61).

Regarding claim 7, Shima discloses the method of claim 6 wherein the determining step further comprises:

Detecting when a first copy of the document has been printed by the printer;

If the first copy of the document has been printed by the printer before receipt from the printer of an indication that the printer's capacity is insufficient, then concluding that the printer's capacity is sufficient.

Regarding claim 8, Shima discloses the method of claim 5 wherein the awaiting step comprises:

Polling the printer (communication: fig. 1, col. 11, lines 26-27).

Regarding claim 10, Shima discloses the method of claim 8 wherein the polling step comprises:

Querying an SNMP (network peripheral: fig. 1, col. 11, lines 32-33).

Regarding claim 11, Shima discloses the method of claim 8 wherein the polling step comprises:

Embedding a status request in a print job (fig. 1, col. 11, lines 33-37).

Sending the print job to the printer (fig. 1, col. 12, lines 7-14).

Regarding claim 12, Shima discloses a computer readable medium (ROM, CD-ROM, FD, Memory Card) on which is embedded a computer program (fig. 1, col. 19, lines 35-45), the program comprising one or more instructions for performing a method of printing N collated copies of a document on a printer, N being an integer greater than one (figs. 1 & 3, col. 13, lines 51-53), the method comprising:

Determining whether the printer has capacity to print N collated copies of document (fig. 7, col. 18, lines 36-44); and

If the printer has insufficient capacity, then performing the following step N times (fig. 7, col. 18, lines 50-56):

Sending a single copy of the document to the printer (fig. 7, col. 18, lines 56-60).

Regarding claim 13, Shima discloses the computer readable medium of claim 12, wherein the capacity is a memory capacity (fig. 7, col. 18, lines 22-25).

Regarding claim 16, Shima discloses the computer readable medium of claim 13 wherein the determining step comprises:

Sending to the printer a print job requesting N collated copies of the document and
Awaiting receipt from the printer of a message regarding a sufficiency of the printer's capacity (fig. 7, col. 18, lines 48-67).

Regarding claim 17, Shima discloses the computer readable medium of claim 16 wherein the awaiting step comprises:

Polling the printer (communication: fig. 1, col. 11, lines 26-27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 9, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima (US. 6466326) in view of Schaertel (US. 5087979).

Regarding claim 3, Shima discloses the method of claim 2.

Shima **do not disclose explicitly** wherein the capacity is a memory capacity to store one copy of the document in a print ready form.

Schaeral **disclose** wherein the capacity is a memory capacity to store one copy of the document in a print ready form (fig. 4, col. 4, lines 49-59).

It would have been obvious to one skilled in the art at the time of the invention to modify Shima wherein the memory stored at least one document prior to monitoring the memory whereas if the an error is produced the data is not lost and may resume printing at a specific time.

Regarding claim 4, Shima discloses the method of claim 1.

Shima **do not disclose explicitly** storing a copy of the document.

Schaeral **discloses** storing a copy of the document (fig. 4, col. 5, lines 15-17).

It would have been obvious to one skilled in the art at the time of the invention to modify Shima wherein the memory stored at least one document prior to monitoring the memory whereas if the an error is produced the data is not lost and may resume printing at a specific time.

Regarding claim 9, Shima discloses the method of claim 8.

Shima **do not disclose** querying a PML object.

Schaertel **discloses** querying a PML object (fig. 3, col. 4, lines 25-33).

It would have been obvious to one skilled in the art at the time of the invention to modify Shima wherein print management language detection is implemented whereas specific configuration of the output device can be implemented into the output process of the collated documents prevent data errors because of incompatible data language.

Regarding claim 14, Shima discloses the computer readable medium of claim 13.

Shima **do not disclose explicitly** wherein the capacity is a memory capacity to store one copy of the document in a print ready form.

Schaeral **disclose** wherein the capacity is a memory capacity to store one copy of the document in a print ready form (fig. 4, col. 4, lines 49-59).

It would have been obvious to one skilled in the art at the time of the invention to modify Shima wherein the memory stored at least one document prior to monitoring the memory whereas if the an error is produced the data is not lost and may resume printing at a specific time.

Regarding claim 15, Shima discloses the computer readable medium of claim 12.

Shima **do not disclose explicitly** storing a copy of the document.

Schaeral **discloses** storing a copy of the document (fig. 4, col. 5, lines 15-17).

It would have been obvious to one skilled in the art at the time of the invention to modify Shima wherein the memory stored at least one document prior to monitoring the memory whereas if the an error is produced the data is not lost and may resume printing at a specific time.

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaertel (US. 5087979) in view of Sanchez (US. 5528734).

Regarding claim 18, Schaertel discloses an apparatus for processing an incoming print job requesting N collated copies of a document on a printer, N being an integer greater than one, the apparatus comprising:

A memory (fig. 3, ref. 58) configured to store the document (fig. 3, col. 4, line s3-4)

Schaertel **do not disclose** a spooler, connected to the memory, configured to send an outgoing print job to the printer

Sanhex **discloses** a spooler, connected to the memory, configured to send an outgoing print job to the printer (fig. 2, col. 4, lines 15-27).

A status agent (buffer memory 58) configured to receive from the printer information regarding whether the printer has sufficient capacity to collate the document (fig. 4, col. 5, lines 14-35); and

Schaertel **do not discloses** a control logic, connected the spooler and the status agent, the control logic controlling the spooler on the basis of the information regarding whether the printer has sufficient capacity to collate the document.

Sanhex **discloses** a control logic, connected the spooler and the status agent, the control logic controlling the spooler on the basis of the information regarding whether the printer has sufficient capacity to collate the document (fig. 6, col. 5, lines 61-67 and col. 6, lines 1-22).

It would have been obvious to one skilled in the art at the time of the invention to modify Schaertel wherein a base logic program would be implemented to assist with a printer component could correlate with the memory insufficiency based on the communication from the printer's internal components. This feature permits uninterrupted data process and prevents loss of data.

Regarding claim 19, Schaertel the apparatus of claim 18 further comprising:

A receive port (link 28), connected to the memory (see fig. 2), by which the incoming print job can be received (figs. 2-3, col. 4, lines 1-10).

Regarding claim 20, Schaertel discloses the apparatus of claim 18 wherein the capacity is a memory capacity, wherein the control logic is configured to control the

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spooler to send a single copy of the document to the printer N times if the status agent determines that the printer has sufficient memory capacity (figs. 2-3, col.3, lines 24-41 and col. 4, lines 43-67).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andrews (US. 4099254) and Tamura et al. (US. 6496278) are cited to show related art with respect to electronic collation in an image processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).

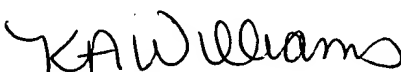
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAC
9/16/04

Tia A Carter
Examiner
Art Unit 2626


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER